

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,)
)
Plaintiff,) Case No. 3:23-cr-7
)
vs.) **ORDER DENYING MOTION FOR**
)
) **PRETRIAL RELEASE**
Kyle Dean Dunn,)
)
Defendant.)

The United States moved for pretrial detention of Kyle Dean Dunn. On April 18, 2023, Dunn waived his right to a detention hearing, stating an intent to investigate possible inpatient treatment programs. (Doc. 57).

On May 24, 2023, Dunn filed a motion seeking release to obtain substance abuse treatment at Spirit Lake Nation Recovery & Wellness Program. (Doc. 71). The United States opposes the motion, asserting Dunn has not rebutted the presumption of detention that arises under 18 U.S.C. § 3142(e) because of the nature of the offense with which he is charged. The United States points to evidence in the pretrial services report, including Dunn's poor history of compliance with court-ordered conditions, his history of failures to appear, and the nature of crimes of which he has been convicted. Further, the United States asserts the program to which Dunn seeks release has a poor history of cooperation with pretrial services officers.

The court's experience with the proposed program supports the United States' assertion. Given Dunn's history, the court would consider release only to a very structured inpatient treatment program.

The motion for pretrial release is **DENIED**.

IT IS SO ORDERED.

Dated this 1st day of June, 2023.

/s/ Alice R. Senechal

Alice R. Senechal

United States Magistrate Judge